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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
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BAKER BOTTS L.L.P. PATENT DEPARTMENT 98 SAN JACINTO BLVD., SUITE 1500 AUSTIN, TX 78701-4039			NGO, NGUYEN HOANG	
			ART UNIT	PAPER NUMBER
			2663	

DATE MAILED: 01/12/2006

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary

Application No.

09/829,516

Applicant(s)

SCHWARTZ ET AL.

Examiner

Nguyen Ngo

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --
Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 28 October 2005.
2a) ☒ This action is **FINAL**. 2b) ☐ This action is non-final.
3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-48 is/are pending in the application.
4a) Of the above claim(s) _____ is/are withdrawn from consideration.
5) ☐ Claim(s) _____ is/are allowed.
6) ☒ Claim(s) 1-48 is/are rejected.
7) ☐ Claim(s) _____ is/are objected to.
8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. _____.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- 1) ☐ Notice of References Cited (PTO-892)
2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
3) ☒ Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)
Paper No(s)/Mail Date _____.
4) ☐ Interview Summary (PTO-413)
Paper No(s)/Mail Date. _____.
5) ☐ Notice of Informal Patent Application (PTO-152)
6) ☐ Other: _____.

DETAILED ACTION

Response to Amendment

1. This communication is in response to the amendment filed October 28, 2005. All changes to the Specification and Claims have been entered. Accordingly, Claims 1-48 are currently pending in the application.

Claim Rejections - 35 USC § 102

2. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

3. Claim 1-4, 9, 10, 12, 15, 16, 20, 22 are rejected under 35 U.S.C. 102(b) as being anticipated by Pepper et al. (U.S Patent No 5930700), hereinafter referred to as Pepper.

Regarding claim 1, Pepper discloses a database that maintains the subscriber's daily schedule and client list which are used along with the subscriber 's default profile, to determine which calls to forward directly to the subscriber at his current location, which calls to forward to the subscriber's voice mail, and when to let the subscriber decide what to do with a particular call (Examiner interprets the database and corresponding service control module as a mediation system and its method for facilitating mediated

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virtual communication with default mediated commitments, figure 3 and col6 lines5-11).

Pepper further discloses:

that the database maintains a default profile, to determine which calls to forward directly to the subscriber at his current location, which calls to forward to the subscriber's voice mail box, and when to let the subscriber decide what to do with a particular call (receiving, at the mediation system (database and service control module), a designation of an availability status of a mediation subscriber at a mediation subscriber communication device, the availability status indicating an availability of the mediation subscriber for receiving voice-based communication, col6 lines 5-12).

Examiner interprets the default profile to correlate to a designation of availability status of the subscriber, as the default profile indicated the subscriber's daily schedule (availability) and the priority assigned to a calling party (for generating a pending mediated commitment).

Examiner further interprets the forwarding of calls based on the default profile to correlate to generating a pending mediated commitment with a calling party, based on the availability status (indicated by the default profile).

that the priority assigned to a currently scheduled event (default profile entry) may change in which a subscriber instructs that only very high priority calls be forwarded to him during a very important meeting (receiving, at a mediation system, an altered context component, Examiner interprets that the change made in the default setting by the subscriber be an altered context component, col10 lines 60-67).

that the priority assigned in the database helps the system to determine how an incoming call should be directed (determining a pending mediated commitment (how call should be directed) associated with the altered context component, col9 lines 12-19).

and that the subscriber response is used to update the caller's priority and it's associated call direction preference (facilitating a mediated follow-through operation for altering the pending mediated commitment according to the altered context component, thereby producing an altered mediated commitment, col11 lines 12-17).

Regarding claim 2, Pepper discloses a subscriber instructs that only very high priority calls to be forwarded to his home after 11 P.M (receiving an altered context component includes receiving an altered availability status, col10 lines65-67).

Regarding claim 3, Pepper discloses that the subscriber's response be used to update the caller's priority and it's associated directing of the incoming call (determine a revised follow-through action, col11 lines 14-15) that includes the caller be directed to the voice mail subsystem or other predetermined destinations (preparing a revised follow-through communication including the revised follow-through action, figure 10 and col6 lines 44-46). Examiner interprets the caller to be a mediated party which is associated with the pending mediated commitment and is contacted by either the voice mail subsystem or another predetermined means explained in the reference (attempting to contact, via a

mediated party communication device, a mediated party associated with the pending mediated commitment).

Regarding claim 4, Pepper discloses the subscriber having the options to accept the call, deliver the call to voice mail, or route the call to another number which is inputted by the subscriber (the mediated follow through operation includes transmitting, for reception by the mediated party communication device (the caller), the revised follow through action (call to another number) in response to a mediated party being contacted, col12 lines 36-41).

Regarding claim 9, Pepper discloses that the service control module communicates with TNI and databases to determine how to route an incoming call and to query the subscriber about handling of certain calls such as accepting, forwarding, or refusing the call or using the default subscriber's preferences (determining a revised follow-through action, and preparing a revised follow-through communication, col5 lines 48-42).

Pepper further discloses that clients (mediated party) assigned with high priority (which may be altered by the subscriber) be directly connected to the subscriber at the phone number provided by the subscriber (attempting to contact, via a mediation subscriber communication device, a mediation subscriber associated with the pending mediated commitment, col11 lines 15).

Regarding claim 10, Pepper discloses that the service control module communicates with TNI and databases to determine how to route an incoming call and to query the subscriber about handling of certain calls such as accepting, forwarding, or refusing the call or using the default subscriber's preferences (transmitting, for reception by the mediation subscriber communication device, the revised follow-through action in response to a mediation subscriber being contacted, figure 10 and col5 lines 48-42).

Regarding claim 12, Pepper discloses the subscriber's response be used to update the caller's priority thus determining the handling of certain calls (performing a mediated follow-through operation in response to the revised follow-through action being acceptable to the mediation subscriber, col11 lines13-16). Examiner interprets the updating of the caller's priority be the follow-through action that is acceptable to the mediation subscriber and the handling of certain calls itself is the specific follow through actions due to the acceptance of the subscriber to change the priority.

Regarding claim 15, Pepper discloses a database that maintains the subscriber's daily schedule and client list which are used along with the subscriber's default profile, to determine which calls to forward directly to the subscriber at his current location, which calls to forward to the subscriber's voice mail, and when to let the subscriber decide what to do with a particular call (Examiner interprets the database and corresponding service control module as a mediation system and its method for facilitating mediated

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virtual communication with default mediated commitments, figure 3 and col6 lines5-11).

Pepper further discloses:

that the database maintains a default profile, to determine which calls to forward directly to the subscriber at his current location, which calls to forward to the subscriber's voice mail box, and when to let the subscriber decide what to do with a particular call (receiving, at the mediation system (database and service control module), a designation of an availability status of a mediation subscriber at a mediation subscriber communication device, the availability status indicating an availability of the mediation subscriber for receiving voice-based communication, col6 lines 5-12).

Examiner interprets the default profile to correlate to a designation of availability status of the subscriber, as the default profile indicated the subscriber's daily schedule (availability) and the priority assigned to a calling party (for generating a pending mediated commitment).

Examiner further interprets the forwarding of calls based on the default profile to correlate to generating a pending mediated commitment with a calling party, based on the availability status (indicated by the default profile).

that the priority assigned to a currently scheduled event (default profile entry) may change in which a subscriber instructs that only very high priority calls be forwarded to him during a very important meeting (receiving, at a mediation system, an altered availability status, Examiner interprets that the change made in the default setting by the subscriber be an altered availability status, col10 lines 60-67).

that the priority assigned in the database helps the system to determine how an incoming call should be directed (determining a pending mediated commitment (how call should be directed) associated with the altered availability status, col9 lines 12-19). Pepper further discloses that the priority be associated with a scheduled event, for example, a subscriber instructs that only very high priority calls be forwarded to him or to his home after 11P.M. (mediated commitment associated with the altered availability status, col10 lines 60-67).

and that the subscriber response is used to update the caller's priority and it's associated call direction preference (a mediated follow-through operation for altering the pending mediated commitment according to the altered availability status, thereby producing an altered mediated commitment, wherein facilitating the mediated follow-through operation includes determining a revised follow-through action and preparing a revised follow-through communication including the revised follow-through action, col11 lines 12-17). The Examiner interprets the altering of the priority of the caller and the altering of the subscriber's schedule from the default settings and its associated actions (how the call is directed) correspond to the altered mediated commitment and a follow-through action for a follow-through communication.

Regarding claim 16, Pepper discloses that the subscriber's response be used to update the caller's priority and it's associated directing of the incoming call (determine a revised follow-through action, col11 lines 14-15) that includes the caller be directed to the voice mail subsystem or other predetermined destinations (preparing a revised

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follow-through communication including the revised follow-through action, figure 10 and col6 lines 44-46). Examiner interprets the caller to be a mediated party which is associated with the pending mediated commitment and is contacted by either the voice mail subsystem or another predetermined means explained in the reference (attempting to contact, via a mediated party communication device, a mediated party associated with the pending mediated commitment).

Pepper further discloses the subscriber having the options to accept the call, deliver the call to voice mail, or route the call to another number which is inputted by the subscriber (the mediated follow through operation includes transmitting, for reception by the mediated party communication device (the caller), the revised follow through action (call to another number) in response to a mediated party being contacted, col12 lines 36-41).

Regarding claim 20, Pepper discloses that clients (mediated party) assigned with high priority (which may be altered by the subscriber) be directly connected to the subscriber at the phone number provided by the subscriber (attempting to contact, via a mediation subscriber communication device, a mediation subscriber associated with the pending mediated commitment, col11 lines15).

Pepper further discloses that the service control module communicates with TNI and databases to determine how to route an incoming call an to query the subscriber about handling of certain calls such as accepting, forwarding, or refusing the call or

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using the default subscriber's preferences (transmitting, for reception by the mediation subscriber communication device, the revised follow-through action in response to a mediation subscriber being contacted, figure 10 and col5 lines 48-42).

Regarding claim 22, Pepper discloses the subscriber's response be used to update the caller's priority thus determining the handling of certain calls (performing a mediated follow-through operation in response to the revised follow-through action being acceptable to the mediation subscriber, col11 lines13-16). Examiner interprets the updating of the caller's priority be the follow-through action that is acceptable to the mediation subscriber and the handling of certain calls itself is the specific follow through actions due to the acceptance of the subscriber to change the priority.

Claim Rejections - 35 USC § 103

4. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

5. The factual inquiries set forth in *Graham v. John Deere Co.*, 383 U.S. 1, 148 USPQ 459 (1966), that are applied for establishing a background for determining obviousness under 35 U.S.C. 103(a) are summarized as follows:

1. Determining the scope and contents of the prior art.

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2. Ascertaining the differences between the prior art and the claims at issue.
3. Resolving the level of ordinary skill in the pertinent art.
4. Considering objective evidence present in the application indicating obviousness or nonobviousness.

6. Claims 5-8, 11, 13, 14, 17-19, 21, 23, 28-31, 34 36, 37, 40-42, 44, and 46-48 are rejected under 35 U.S.C. 103(a) as being unpatentable over Pepper et al (U.S Patent No. 5930700), in view of Truetken (U.S Patent No.6493324) hereinafter referred to as Pepper and Truetken.

Regarding claim 5, Pepper discloses the ability to manipulate the store information of the databases, including the appointment calendar and notifying the subscriber of the acceptance of the call by the calling party (updating the mediated party activity data set to reflect the postponement message being communicated, figure 11 and col4 lines65-67). Pepper however fails to disclose the specific limitation of transmitting a postponement message for reception by the mediated party communication device in response to the revised follow-through action being unacceptable to the mediated party.

Truetken however discloses a need for displaying a call placement dialog on the user interface of the calling party client (mediated party, col1 lines 52-55), and gives the motivation for such interface to effectively initiate and manage telephony sessions between users. Truetken further discloses of that the calling party client (mediated party) receives the suggested option and can select alternatives by selecting the appropriate icon such as canceling the call (transmitting a postponement message for reception by the mediated party communication device in response to the revised follow-through action being unacceptable to the mediated party, col5 line14-20).

It would have thus been obvious to one ordinary skilled in the art at the time the invention was made to incorporate the interface of the calling party to accept or decline the revised follow through action disclosed by Truetken with the method to allow a subscriber to have incoming calls automatically screened and directed discloses by Pepper in order to effectively initiate and manage telephony sessions.

Regarding claim 6, Pepper and Truetken disclose all the limitations of claim 6 as discussed in claim 5. Truetken discloses of that the calling party client (mediated party) receives the suggested option and can select alternatives by selecting the appropriate icon or accepting the suggested options (facilitating the mediated follow-through operation includes performing a mediated follow-through operation in response to the revised follow through action being acceptable to the mediated party, col5 line14-20).

Regarding claim 7, Pepper and Truetken disclose all the limitation of claim 7 as discussed in claim 5. Pepper discloses that if the subscriber does not respond with an updated action (altered context component) within a predetermined time, the call is directed according to the subscriber's default (transmitting a postponement message for reception by the mediated party communication device in response to the mediated follow-through operation being unsuccessful at producing an altered mediated commitment, col12 line45-49). Examiner interprets that the subscriber's failure to respond with an updated action as being a follow-through operation as being

unsuccessful. It should also be obvious to include a postponement message in the subscriber's default.

Pepper further discloses the ability to manipulate the store information of the databases, including the appointment calendar and notifying the subscriber of the acceptance of the call by the calling party (updating the mediated party activity data set to reflect the postponement message being communicated, figure 11 and col4 lines65-67).

Regarding claim 8, Pepper and Truetken disclose all the limitation of claim 8 as discussed in claim 5. Pepper further discloses the ability to manipulate the store information of the databases, including the appointment calendar and notifying the subscriber of the acceptance of the call by the calling party and that the subscriber's response will be used to update the caller's priority in the database (updating the mediated party activity data set to reflect an altered mediated commitment in response to the mediated follow-through operation successfully producing an altered commitment, col4 lines65-67).

Regarding claim 11, Pepper and Truetken disclose all the limitation of claim 11 as discussed in claim 5. Truetken discloses an invitation dialog box that allows the called party (mediation subscriber) to decline the invitation. If the called party declines the invitation, then the called party client sends back a decline response to the caller and has the availability to negotiate a different time (postponement message) in the dialog

box (transmitting a postponement message for reception by the mediation subscriber communication device in response to the revised follow-through action being unacceptable to the mediation subscriber, col4 lines 45-60).

Pepper further discloses the ability to manipulate the store information of the databases, including the appointment calendar and notifying the subscriber of the acceptance of the call by the calling party (updating the mediated party activity data set to reflect the postponement message being communicated, figure 11 and col4 lines 65-67).

Regarding claim 13, Pepper and Truetken disclose all the limitation of claim 13 as discussed in claim 5. Pepper discloses that if the subscriber does not respond with an updated action (altered context component) within a predetermined time, the call is directed according to the subscriber's default (transmitting a postponement message for reception by the mediated subscriber communication device in response to the mediated follow-through operation being unsuccessful at producing an altered mediated commitment, col12 line45-49). Examiner interprets that the subscriber's failure to respond with an updated action as being a follow-through operation as being unsuccessful. It should also be obvious to include a postponement message in the subscriber's default for reception by the mediation subscriber to show the subscriber of an unsuccessful commitment and further options the subscriber may want to take.

Pepper further discloses the ability to manipulate the store information of the databases, including the appointment calendar and notifying the subscriber of the

acceptance of the call by the calling party (updating the mediated activity data set to reflect the postponement message being communicated, figure 11 and col4 lines65-67).

Regarding claim 14, Pepper and Truetken disclose all the limitation of claim 14 as discussed in claim 5. Pepper further discloses the ability to manipulate the store information of the databases, including the appointment calendar and notifying the subscriber of the acceptance of the call by the calling party and that the subscriber's response will be used to update the caller's priority in the database (updating the mediated party activity data set to reflect an altered mediated commitment in response to the mediated follow-through operation successfully producing an altered commitment, col4 lines65-67).

Regarding claim 17, Pepper discloses the ability to manipulate the store information of the databases, including the appointment calendar and notifying the subscriber of the acceptance of the call by the calling party (updating the mediated party activity data set to reflect the postponement message being communicated, figure 11 and col4 lines65-67). Pepper however fails to disclose the specific limitation of transmitting a postponement message for reception by the mediated party communication device in response to the revised follow-through action being unacceptable to the mediated party.

Truetken however discloses a need for displaying a call placement dialog on the user interface of the calling party client (mediated party, col1 lines 52-55), and gives the motivation for such interface to effectively initiate and manage telephony sessions

between users. Truetken further discloses of that the calling party client (mediated party) receives the suggested option and can select alternatives by selecting the appropriate icon such as canceling the call (transmitting a postponement message for reception by the mediated party communication device in response to the revised follow-through action being unacceptable to the mediated party, col5 line14-20).

It would have thus been obvious to one ordinary skilled in the art at the time the invention was made to incorporate the interface of the calling party to accept or decline the revised follow through action disclosed by Truetken with the method to allow a subscriber to have incoming calls automatically screened and directed discloses by Pepper in order to effectively initiate and manage telephony sessions.

Regarding claim 18, Pepper and Truetken disclose all the limitations of claim 18 as discussed in claim 17. Truetken discloses of that the calling party client (mediated party) receives the suggested option and can select alternatives by selecting the appropriate icon or accepting the suggested options (facilitating the mediated follow-through operation includes performing a mediated follow-through operation in response to the revised follow through action being acceptable to the mediated party, col5 line14-20).

Regarding claim 19, Pepper and Truetken disclose all the limitation of claim 19 as discussed in claim 17. Pepper discloses that if the subscriber does not respond with an updated action (altered context component) within a predetermined time, the call is

directed according to the subscriber's default (transmitting a postponement message for reception by the mediated party communication device in response to the mediated follow-through operation being unsuccessful at producing an altered mediated commitment, col12 line45-49). Examiner interprets that the subscriber's failure to respond with an updated action as being a follow-through operation as being unsuccessful. It should also be obvious to include a postponement message in the subscriber's default.

Pepper further discloses the ability to manipulate the store information of the databases, including the appointment calendar and notifying the subscriber of the acceptance of the call by the calling party (updating the mediated party activity data set to reflect the postponement message being communicated, figure 11 and col4 lines65-67).

Pepper further discloses that the subscriber's response will be used to update the caller's priority in the database (updating the mediated party activity data set to reflect an altered mediated commitment in response to the mediated follow-through operation successfully producing an altered commitment, col4 lines65-67).

Regarding claim 21, Pepper and Truetken disclose all the limitation of claim 21 as discussed in claim 17. Truetken discloses an invitation dialog box that allows the called party (mediation subscriber) to decline the invitation. If the called party declines the invitation, then the called party client sends back a decline response to the caller and has the availability to negotiate a different time (postponement message) in the dialog

box (transmitting a postponement message for reception by the mediation subscriber communication device in response to the revised follow-through action being unacceptable to the mediation subscriber, col4 lines 45-60).

Pepper further discloses the ability to manipulate the store information of the databases, including the appointment calendar and notifying the subscriber of the acceptance of the call by the calling party (updating the mediated party activity data set to reflect the postponement message being communicated, figure 11 and col4 lines 65-67).

Regarding claim 23, Pepper and Truetken disclose all the limitation of claim 23 as discussed in claim 17. Pepper discloses that if the subscriber does not respond with an updated action (altered context component) within a predetermined time, the call is directed according to the subscriber's default (transmitting a postponement message for reception by the mediated subscriber communication device in response to the mediated follow-through operation being unsuccessful at producing an altered mediated commitment, col12 line45-49). Examiner interprets that the subscriber's failure to respond with an updated action as being a follow-through operation as being unsuccessful. It should also be obvious to include a postponement message in the subscriber's default for reception by the mediation subscriber to show the subscriber of an unsuccessful commitment and further options the subscriber may want to take.

Pepper further discloses the ability to manipulate the store information of the databases, including the appointment calendar and notifying the subscriber of the

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acceptance of the call by the calling party (updating the mediated activity data set to reflect the postponement message being communicated, figure 11 and col4 lines65-67).

Pepper further discloses that the subscriber's response will be used to update the caller's priority in the database (updating the mediated party activity data set to reflect an altered mediated commitment in response to the mediated follow-through operation successfully producing an altered commitment, col4 lines65-67).

Regarding claims 28-31, 34, 36, 37, 40-42, 44, and 46 Pepper and Truetken discloses all the limitations as discussed with the prior arguments of claims discussed above with correlation to claim 24. It is noted that these claims simply refers to the computer program product of the method stated in claims 5-8, 11, 13, 14, 17-19, 21 and 23 discussed above.

Regarding claim 47, Pepper discloses a database that maintains the subscriber's daily schedule and client list which are used along with the subscriber 's default profile, to determine which calls to forward directly to the subscriber at his current location, which calls to forward to the subscriber's voice mail, and when to let the subscriber decide what to do with a particular call (Examiner interprets the database and corresponding service control module as a mediation system and its method for facilitating mediated virtual communication with default mediated commitments, figure 3 and col6 lines5-11).

Pepper further discloses:

that the database maintains a default profile, to determine which calls to forward directly to the subscriber at his current location, which calls to forward to the subscriber's voice mail box, and when to let the subscriber decide what to do with a particular call (receiving, at the mediation system (database and service control module), a designation of an availability status of a mediation subscriber at a mediation subscriber communication device, the availability status indicating an availability of the mediation subscriber for receiving voice-based communication, col6 lines 5-12).

Examiner interprets the default profile to correlate to a designation of availability status of the subscriber, as the default profile indicated the subscriber's daily schedule (availability) and the priority assigned to a calling party (for generating a pending mediated commitment).

Examiner further interprets the forwarding of calls based on the default profile to correlate to generating a pending mediated commitment with a calling party, based on the availability status (indicated by the default profile).

that the priority assigned to a currently scheduled event (default profile entry) may change in which a subscriber instructs that only very high priority calls be forwarded to him during a very important meeting (receiving, at a mediation system, an altered context component, Examiner interprets that the change made in the default setting by the subscriber be an altered context component, col10 lines 60-67).

that the priority assigned in the database helps the system to determine how an incoming call should be directed (determining a pending mediated commitment (how

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call should be directed) associated with the altered context component, col9 lines 12-19).

and that the subscriber response is used to update the caller's priority and it's associated call direction preference (facilitating a mediated follow-through operation for altering the pending mediated commitment according to the altered context component, thereby producing an altered mediated commitment, col11 lines 12-17).

Pepper however fails to disclose of a mediation system connected to a data packet network and a voice network but discloses that the service control module and database (mediated system) may be implemented in a personal communications system network that includes a signaling network, which supports a switched communications network such as PSTN and provides the motivation to screen and route calls between users of different networks (mobile communications) in order to effectively conduct businesses

Truetken however discloses of traditional telephones that are connected to the Internet through traditional public switched telephone Networks and IP telephony client machines that are connected to the Internet (connected to a data packet network and a voice network, col2 lines 55-60).

It would thus be obvious to a person skilled in the art to incorporate the method to allow a subscriber to have incoming calls automatically screened and directed by

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means of a control module and database (mediated system) disclosed by Pepper with the system of having a traditional telephones and IP telephony as disclosed by Truetken to effectively manage businesses and contacts through a communication system.

Regarding claim 48, Pepper and Truetken discloses all the limitations of claim 48.

Truetken discloses management between callers using, IP telephony client machines and traditional telephones, as well as other telephone devices (includes a data packet client and a computer telephone interface client, col2 lines 61-67). Truetken further discloses IP telephony client machines are networked with servers that are connected to Internet (the data packet network includes a data packet server, col2 lines 55-60). Truetken discloses that the common user interface is provided by a voice response unit that is provided at the IP telephony gateway and that the VRU interface allows public switched telephone users to receive the same services and make the same choices as a computer client connected to the internet (the voice network includes a computer telephone interface client server and an interactive voice response system connected to the computer telephone interface, col3 lines 30-37).

7. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

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8. The factual inquiries set forth in *Graham v. John Deere Co.*, 383 U.S. 1, 148 USPQ 459 (1966), that are applied for establishing a background for determining obviousness under 35 U.S.C. 103(a) are summarized as follows:

1. Determining the scope and contents of the prior art.
2. Ascertaining the differences between the prior art and the claims at issue.
3. Resolving the level of ordinary skill in the pertinent art.
4. Considering objective evidence present in the application indicating obviousness or nonobviousness.

9. Claims 24-27, 32, 33, 35, 38, 39, 43, and 45 are rejected under 35 U.S.C. 103(a) as being unpatentable over Pepper et al (U.S Patent No. 5930700) hereinafter referred to as Pepper.

Regarding 24, Pepper discloses all the limitations as discussed with claim 1. It is noted that claim 24 simply refers to the computer program product of the method stated in claim 1. Pepper discloses of a PDA used by the subscriber that has processors, such as a microprocessor, a main memory, a disk memory, and an I/O such as a mouse, keyboard, or pen-type input, and a screen or monitor (data processor to implement a mediation subscriber communication device; and an apparatus from which the computer program is accessible by the data processor, col2 lines 42-51). Pepper further discloses the subscriber communication device (PDA) contains a graphical interface which, alerts the subscriber when the service control module communicates with the PDA about new pending messages (col6 lines 1-5). It should thus be obvious to a person skilled in the art that a computer program implements the graphical interface.

Regarding claims 25-27, 32, 33, 35, 38, 39, 43, and 45, Pepper discloses all the limitations as discussed with the prior arguments of claims discussed above. It is noted that these claims simply refers to the computer program product of the method stated in claims 1-4, 9, 10, 12, 15, 16, 20 and 22 discussed above.

Response to Arguments

10. Applicant's arguments filed October 28, 2005 have been fully considered but they are not persuasive.

Applicant argues that Pepper fails to disclose the limitation (as amended) of "generating a pending mediated commitment based on the availability status, the pending mediated commitment indicating a scheduled commitment/voice based communication from the mediation subscriber to a mediated party." Examiner posits that it is not unreasonable to interpret the default profile as mentioned to correlate to an availability status of the subscriber, in which determines how to forward a call from a party by either forwarding the call directly to the subscriber, voice mail box, or a different location. Examiner interprets the generating of a pending mediated commitment to correlate to how a call is received and forwarded from a calling party.

Conclusion

11. **THIS ACTION IS MADE FINAL.** Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire THREE MONTHS from the mailing date of this action. In the event a first reply is filed within TWO MONTHS of the mailing date of this final action and the advisory action is not mailed until after the end of the THREE-MONTH shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the mailing date of this final action.

12. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Nguyen Ngo whose telephone number is (571) 272-8398. The examiner can normally be reached on Monday-Friday 7am - 3:30 pm.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Ricky Ngo can be reached on (571) 272-3139. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

Art Unit: 2663

N.N.

Nguyen Ngo

United States Patent & Trademark Office
Patent Examiner AU 2663
(571) 272-8398

Ricky Q. Ngo

RICKY Q. NGO
SUPERVISORY PATENT EXAMINER